



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, Second Regular Session*

**FINAL AMENDED**  
**FACT SHEET FOR H.B. 2620**

education; certification renewal fees

Purpose

Delineates the oversight and supervision of the State Board of Education staff and transfers the investigative unit to the Department of Education.

Background

Article 11, Section 3, of the Arizona Constitution establishes the State Board of Education (SBE) to provide general conduct and supervision of public schools. According to the Constitution, SBE is comprised of the following 11 members: the Superintendent of Public Instruction (SPI), the president of a state university or college, four lay members, a president or chancellor of a community college district, a person who is an owner or administrator of a charter school, a superintendent of a high school district, a classroom teacher and a county school superintendent. With the exception of the SPI, each member is appointed by the Governor and confirmed by the Senate to a four year term. Statute lists the various power and duties of SBE which include: 1) exercise general supervision over and regulate the conduct of the public school system; 2) employ staff on the recommendation of the SPI; 3) prescribe the duties of its employees if not prescribed by statute; 4) prescribe a minimum course of study in common schools; and 5) prescribe minimum course of study and competency requirements for the graduation of pupils from high school (A.R.S. § 15-203).

Article 11, Section 4, of the Arizona Constitution establishes the position of SPI who is elected to a four year term. In addition to being a voting member and executive officer of SBE, the SPI is required to direct the performance of executive, administrative or ministerial functions by the Arizona Department of Education (ADE) and is required to execute the policies of SBE.

SBE is permitted to fix and collect fees for the following: 1) issuance and evaluation of every certificate it issues; 2) renewal, name change, duplicate copy or changes of coding to existing files or certificates; 3) administration and evaluation of the examination on the U.S. and state Constitutions; and 4) administration and evaluation of the teacher proficiency examination. The fees assessed for the examinations may not exceed those assessed by the test publisher. Statute establishes dollar amount range SBE may charge for the issuance and renewal of certificates (A.R.S. § 15-531).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***SBE and ADE***

1. Requires SBE to supervise the duties of its employees and removes a requirement to employ staff on the recommendation of the SPI.
2. Removes the responsibility of the SPI to direct the work of SBE employees and eliminates language stating those employees work for ADE.
3. Specifies the SPI shall execute SBE's policies.
4. Requires the Department of Administration, rather than the SPI, to approve travel expenses and subsistence claims.
5. States ADE, rather than SBE, is solely responsible for notification and denial of incomplete applications.
6. Increases the statutory number of SBE members from nine to ten by adding an owner or administrator of a charter school and an additional lay member in order to conform to the state Constitution.

***Investigative Unit***

7. Charges the SPI with the following:
  - a) directing and overseeing the work of all investigators of certificated persons or persons seeking certification for immoral or unprofessional conduct; and
  - b) providing information to SBE relating to SBE's powers and duties.
8. States the investigators are housed within and employees of ADE.
9. Transfers, from SBE to ADE, the ability to access criminal justice information for the purpose of evaluating the fitness of a certificated teacher or administrator or applicant.
10. Includes ADE as an entity that may request attendance and testimony of witnesses, documents and any physical evidence concerning persons alleged to have engaged in conduct constituting grounds for disciplinary action.

***Transition***

11. Directs SBE and ADE to jointly develop, implement and submit a transition plan by August 1, 2016, to the Governor, the President of the Senate and the Speaker of the House of Representatives and to submit a copy to the Secretary of State.
12. Includes the following in the transition plan:
  - a) investigative unit personnel and administrative matters, whether completed, pending or in process, at SBE to be transferred to ADE; and
  - b) jointly agreed-on conforming changes needed for proposed legislation.

13. Transfers the following from SBE to the SPI in FY 2017:

- a) seven FTE positions;
- b) \$231,200 from the General Fund; and
- c) \$379,800 from the Teacher Certification Fund.

*Miscellaneous*

14. Allows SBE to fix and collect fees for the evaluation of any certificate, name changes, duplicates or changes of coding to existing files or certificates.

15. Makes technical and conforming changes.

16. Becomes effective on the general effective date.

Amendments Adopted by Committee

- 1. Reinstates the fee range.
- 2. Increases the maximum fee amount SBE may collect for certification renewal.
- 3. Adds a Proposition 108 clause.

Amendments Adopted by Committee of the Whole

- 1. Withdrew the committee amendment.
- 2. Eliminates the fee increase.
- 3. Modifies the relationship between SBE and ADE and transfers the investigative unit from SBE to ADE along with FTEs and monies.

House Action

ED	2/17/16	DP	7-0-0
3 <sup>rd</sup> Read	3/3/16		56-1-3
Final Read	5/4/16		53-6-1

Senate Action

ED	3/17/16	DPA	3-2-2
3 <sup>rd</sup> Read	5/3/16		30-0-0

Signed by the Governor 5/11/16

Chapter 138

Prepared by Senate Research

May 19, 2016

CB/lb